

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 06.03.2019

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

+C.R.P(PD)(MD)No.2021 of 2012

and

MP(MD)No.1 of 2012

#1)S.Rajamani

2)R.Eswari ... Petitioners

vs.

\$M.Thirupathy

... Respondent

Petition filed under Article 227 of the Constitution of India, against the order passed in I.A.No.212/2011 dated 28.06.2012 in O.S.No.47/2010 on the file of the Sub Judge, Periyakulam.

!For Petitioners : Mr.R.Venkateswaran

^For Respondents : Mr.V.S.Karthi

:ORDER

The present revision has been filed against the dismissal of the petition filed for sending the document for the expert opinion.

2.Though this revision petition has been filed in the year 2012, and interim order has been granted at the stage of admission on 21.07.2012, the said interim order extended only upto October 2012 and thereafter, it was not extended. When the matter came up for hearing on 13.02.2019, there was no representation for the petitioners and therefore, the case was directed to be listed on 14.02.2019 under the caption -for dismissal- and on that day, the counsel for petitioners tendered apology for his non appearance and the matter was posted to 19.02.2019 under the caption -for orders-. On 19.02.2019, when the case came up for hearing, there was no representation on either side and on 05.03.2019, there was no representation for the petitioners and therefore, again, the matter was directed to be listed today under the caption -for dismissal-.

3.Learned counsel for the petitioners would submit that the Court below erred in dismissing the application based on the averments in the written statement wherein, the defendants have stated that one Baskaran got their signatures in white papers and unwritten pro~notes and unstamped documents for the purpose of getting bank loan. According to the learned counsel, the stamp paper wherein, the sale agreement is written is different from the stamp affixed blank signed paper which the defendants have stated in the written statement.

4.In my considered opinion, the petitioners cannot take such a stand having stated in his written statement that one Baskaran got their signatures in white papers and unwritten pro~notes and unstamped documents for the

purpose of getting bank loan. After making such an admission, now asking for expert opinion is controversial to the admission made in the written statement and in my considered opinion, the present application is only to prolong the proceedings and therefore, I am not inclined to interfere with the impugned order.

Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

To

The Subordinate Judge,
Periyakulam.